



General Assembly

January Session, 2013

Raised Bill No. 6440

LCO No. 3280



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING MUNICIPALITIES AND THE APPLICATION OF
LAWN CARE PESTICIDES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-47 of the general statutes is amended by
2 adding subsection (ee) as follows (*Effective October 1, 2013*):

3 (NEW) (ee) "Lawn care pesticide" has the same meaning as
4 provided in section 10-231a.

5 Sec. 2. Subsection (a) of section 22a-54 of the general statutes is
6 repealed and the following is substituted in lieu thereof (*Effective*
7 *October 1, 2013*):

8 (a) No individual shall use or supervise the use of any restricted use
9 pesticide within this state at any time without a private or commercial
10 certificate or permit issued in accordance with the provisions of this
11 section, unless the use is under the direct supervision of a certified
12 applicator; provided, any pesticide classified for restricted use by the
13 administrator of the United States Environmental Protection Agency

14 shall be used only by a certified applicator or under the direct
15 supervision of a certified applicator. The commissioner shall have
16 exclusive authority in the regulation of pesticide spraying, including,
17 but not limited to, practices and procedures prior to and during any
18 spraying, except as provided in section 22a-66z and section 3 of this
19 act. The commissioner may by regulations adopted in accordance with
20 the provisions of chapter 54 establish procedures for municipalities to
21 designate watercourses or other sources of water which applicators
22 may draw upon for pesticide spraying.

23 Sec. 3. (NEW) (*Effective October 1, 2013*) Any municipality may apply
24 to the Commissioner of Energy and Environmental Protection for the
25 authority to regulate the spraying of any lawn care pesticide in such
26 municipality provided such municipality, by a vote of its town council
27 or town meeting, determines that the municipality has a compelling
28 reason to seek authority to regulate such lawn care pesticide. The
29 regulation of a pesticide by a municipality pursuant to this section may
30 include the authority to prohibit the spraying of a lawn care pesticide
31 on any residential or commercial property in such municipality or the
32 authority to establish the permitted frequency of the spraying of a
33 lawn care pesticide on any residential or commercial property in such
34 municipality. Any application filed pursuant to this section shall be
35 filed on a form prescribed by the commissioner and shall indicate the
36 lawn care pesticide that the municipality seeks to regulate and the
37 authority that the municipality seeks to exercise concerning such lawn
38 care pesticide. A separate application shall be filed for each lawn care
39 pesticide that such municipality seeks to regulate. In making a
40 determination whether to approve an application pursuant to this
41 section, the commissioner shall not approve an application unless the
42 commissioner determines that such lawn care pesticide poses a threat
43 to the human health or to the environment of such municipality to
44 such a degree that: (1) The spraying of such lawn care pesticide on any
45 residential or commercial property in such municipality should be
46 prohibited in such municipality, or (2) the frequency of the spraying of

47 such lawn care pesticide to any residential or commercial property in
48 such municipality should be subject to limitation. The commissioner
49 shall make a determination whether to approve or deny an application
50 filed pursuant to this section not later than ninety days after the
51 submission of such application to the commissioner. In approving any
52 application pursuant to this section, the commissioner shall clearly
53 indicate the authority granted to such municipality concerning such
54 lawn care pesticide. In denying any application pursuant to this
55 section, the commissioner shall clearly indicate the reasons for such
56 denial. Nothing in this section shall be construed to prohibit a
57 municipality from submitting a subsequent application to the
58 commissioner for authority to regulate the spraying of a lawn care
59 pesticide following the denial of such an application by the
60 commissioner. The commissioner may adopt regulations in accordance
61 with the provisions of chapter 54 of the general statutes to implement
62 the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	22a-47
Sec. 2	<i>October 1, 2013</i>	22a-54(a)
Sec. 3	<i>October 1, 2013</i>	New section

Statement of Purpose:

To allow municipalities to apply to the Commissioner of Energy and Environmental Protection for the authority to regulate the spraying of lawn care pesticides in such municipality.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]